IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 491 OF 2002 (S/B)

1. Prakash Chandr Pant
   S/o Mohan Chandra Pant,
   District Pithoragarh.

2. Ghan Shyam Pant s/o Sri Mohan
   Chandra Pant,
   R/o Aaganw
   Post Dangthi
   District Pithoragarh.

3. Bhuwan Chandra Upreti S/o Shri S.D.Upreti,
   R/o Ramkuteer, P.O. Degree College,
   District Pithoragarh

4. Daya Kishan Pant s/o Hari Dutt Pant,
   R/o Gram Dewal, P.O. Auskot,
   District Pithoragarh. ..... Petitioners.

Vs.

1. State of Uttaranchal through Secretary,
   Industrial,
2. Director, Prashikshan Evam Sewayojan,
   Uttaranchal, Haldwani, District Nainital.
3. Principal,
   Rajkey Audyogik Prashikshan Sansthan,
   Dharchula, Sithit Askot,
   District Pithoragarh ..... Respondents.

December 21,2005

Sri S.S.Yadav, learned counsel for the petitioner.
Sri Harendra Belwal, Standing Counsel for the State.

Hon'ble Rajesh Tandon, J.

1. The present writ petition has been filed by the petitioners praying for a writ of mandamus commanding the respondents to consider the matter of the petitioners for regularisation with all consequential benefits and to give them minimum of pay scale with all allowance from the date the petitioners are working as daily wages employee.

2. Heard Mr. S.S.Yada, learned counsel for the petitioners and learned Standing Counsel for the State.

3. Both the parties have agreed that in view of this Court's Order passed in Writ Petition No. 82 of 2004 (S/S), the matter may be decided at the admission stage. In the aforesaid writ petition, the learned Single Judge of the Uttaranchal High Court has passed the order to the following effect:

> "Counsel for the parties have submitted that the controversy raised by means of this writ petition has already been settled by the Allahabad High Court on 16.02.2004 in writ petition no. 5683(S/S) 1995 U.P. Rajkiya Aydyogik Prashikshan Sansthan Dainik Vetan Karmchari Kalyan Samiti, Lucknow and another Vs. State of U.P. and others. The petitioners, in the aforesaid writ petition were similarly situated persons and they were also appointed on daily wage basis as Instructors in the different I.T.Is. of the State, along with the petitioners.
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> By the aforesaid judgment, the Allahabad High Court has directed the respondents to consider regularisation of petitioners in that writ petition who were working on the post of Instructors on daily wage basis prior to 30.06.1998 against the existing vacancies which have come outside the purview of Public Service Commission, before making any regular appointment in accordance with relevant rules, as expeditiously as possible, preferably within a period of two months.
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> Submission of the learned counsel for the parties is that the case of the present petitioners

may be disposed of on the same terms and observations made in the said judgment.

In view of this statement and considering that the Allahabad High Court in the aforesaid judgment has already settled the controversy raised in the present writ petition, the present writ petition is also disposed of on the same terms, conditions and observations made by the Allahabad High Court in writ petition no. 5683 (SS) 1995 U.P. Rajkiya Aydygik Prashikshan Sansthan Dainik Vetan Karmchari Kalyan Samiti, Lucknow and another Vs. State of U.P. and others delivered on 16.02.2004."

9. In view of the above a writ of mandamus is issued commanding the respondents to consider regularisation of the petitioners who were working on daily wage or ad hoc basis prior to 30.06.1998 against the existing vacancies and who had come outside the purview of Public Service Commission before making any regular appointment in accordance with relevant Rules and order passed by this Court in Writ Petition No. 82 of 2004.

5. Subjection to the aforesaid observations, the petition is disposed of.

(Rajesh Tandon, J.)

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